

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

BEVERLY ADKINS, CHARMAINE WILLIAMS,
REBECCA PETTWAY, RUBBIE McCOY,
WILLIAM YOUNG, on behalf of themselves and all
others similarly situated, and MICHIGAN LEGAL
SERVICES,

Plaintiffs,

v.

MORGAN STANLEY, MORGAN STANLEY &
CO. LLC, MORGAN STANLEY ABS CAPITAL I
INC., MORGAN STANLEY MORTGAGE
CAPITAL INC., and MORGAN STANLEY
MORTGAGE CAPITAL HOLDINGS LLC,

Defendants.

1:12-CV-7667-VEC-GWG

**NOTICE OF DEFENDANTS'
MOTION TO EXCLUDE ALL
OPINIONS CONTAINED IN THE
REPORT OF PATRICIA A. MCCOY
AND ONE OPINION CONTAINED
IN THE REPORT OF IAN AYRES**

PLEASE TAKE NOTICE that, based upon the accompanying memorandum of law, defendants Morgan Stanley, Morgan Stanley & Co. LLC, Morgan Stanley ABS Capital I Inc., Morgan Stanley Mortgage Capital Inc., and Morgan Stanley Mortgage Capital Holdings LLC (“Defendants”) hereby move this Court, the Honorable Valerie E. Caproni, United States District Judge for the Southern District of New York, United States Courthouse, 500 Pearl Street, New York, NY 10007-1312, for an order excluding all opinions contained in the report of Patricia A. McCoy offered in support of class certification and excluding the opinion in the report of Ian Ayres offered in support of class certification that there is credible statistical evidence that African Americans suffered disparate impact from the lending policies of Morgan Stanley and New Century.

Defendants provisionally submit under seal Defendants' Motion to Exclude All Opinions Contained in the Report of Patricia A. McCoy and One Opinion Contained in the Report of Ian Ayres and supporting papers containing information designated as "Confidential" pursuant to the Stipulated Amended Protective Order [ECF No. 44]. Defendants will meet and confer with Plaintiffs and the New Century Bankruptcy Trust regarding whether any such information should be filed under seal and/or redacted.

Dated: November 5, 2014

Respectfully submitted,

/s/ David W. Ogden

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